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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/846,358	05/02/2001	Yukihiko Nansho	01309.00012	3942

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WASHINGTON, DC 20001

EXAMINER

THEIN, MARIA TERESA T

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 02/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/846,358

Applicant(s)

NANSHO, YUKIHIKO

Examiner

Marissa Thein

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 December 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6 and 7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

Examiner rejected claims 1-8 in a First Office Action dated September 24, 2002. In an amendment received December 16, 2002, applicant amends claims 1-4, 6-7 and cancels 5 and 8.

Examiner acknowledges applicant's amendment to the specification.

Applicant's amendment to the claims is sufficient to overcome the 35 U.S.C. § 112, second paragraph rejection.

Claims 1-4 and 6-7 remain pending.

Response to Arguments

Applicant's arguments with respect to claims 1-4 and 6-7 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's remarks that "Mistr does not teach a system for utilizing thinned-out wood".

The Examiner notes Mistr discloses a method of and system which accumulates data from the control areas having the different transmission owner, commodity providers and commodity buyers (referred to as commodity system users) be connected via network. The transmission owners connected through the network to a data review board that ensures that any information about the transmission owners includes commodity transportation network data, such as the physical and various characteristic of the transmission owner's facilities. The information from the transmission owners is combined and sent to a processor for storage in a database. The transmission owners,

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commodity providers and commodity buyers are connected to the processor through the computer for accessing the information stored in the database. The commodity system can review the stored data and make informed decisions about the availability and the cost of the commodity. (See col. 3, lines 10-40) Examiner agrees that Mistr is silent to a system for utilizing thinned-out wood. Thinned-out wood is a commodity of natural resources which is reduced from raw materials for consumer useable product. On the other hand, Mistr discloses that his commodity is energy which is a natural resource that is harvested from nature and reduced from the raw materials for consumer usable product. Examiner interprets that the commodity thinned-out wood is equivalent and similar to the commodity of Mistr. Therefore, Applicant's recitation in the claims fully read on this disclosure.

Applicant's remarks that "Mistr does not have a means to receive information on the desired material, desired production place, and desired processing. Mistr does not require the user to choose a supplier of electrical power as a commodity since quality of the electrical power does not vary and does not depend on the supplier."

The Examiner notes that Mistr discloses a system and method provides a communication and storage means for accumulating commodity information from commodity providers, buyers and transmission line owner. In an operation function, the commodity system users are connected to the Administrator who serves as an agent for the commodity system users. The communication and storage means includes a processor which receives commodity information for a commodity system user, such as a buyer (means to receive information from a user/buyer). The processor provides

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access to the appropriate data file for receipt and review by the commodity system user of the commodity information. (Col. 10, lines 19-34) Furthermore, the buyer then decides whether or not to agree on the transmission service agreement which includes the amount of material, a purchase, and a transportation cost, and on the use of the available transportation facilities (col. 6, lines 46-50). Such disclosure is consistent with the recitation of "a means to receive information on the desired material, desired production place, and desired processing".

Applicant's remarks that "Mistr system is not intended to allow the user to voluntarily choose".

Examiner notes that Mistr discloses the communication and storage means which includes processor that receives commodity information for a commodity system user, such as a buyer. The processor provides access to the appropriate data file for receipt and review of commodity information. (Col. 10, lines 23-40) The buyer then decides whether or not to agree on the transmission service agreement which includes the amount of material, a purchase, and a transportation cost, and on the use of the available transportation facilities (desired place) (col. 6, lines 46-50). Such disclosure is consistent with the recitation allowing the user voluntarily to choose the desired place.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4 and 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,794,212 to Mistr in view of the article "Earth-friendly good" (May 23, 1998).

Mistr discloses a method of and system which accumulates data from the control areas having the different transmission owner, commodity providers and commodity buyers (referred to as commodity system users) be connected via network. The transmission owners connected through the network to a data review board that ensures that any information about the transmission owners includes commodity transportation network data, such as the physical and various characteristics of the transmission owner's facilities. The information from the transmission owners is combined and sent to a processor for storage in a database. The transmission owners, commodity providers and commodity buyers are connected to the processor through the computer for accessing the information stored in the database. The commodity system can review the stored data and make informed decisions about the availability and the cost of the commodity. (See col. 3, lines 10-40) Furthermore, the system and method provides a communication and storage means for accumulating commodity information from commodity providers, buyers and transmission line owner. In an operation function, the commodity system users are connected to the Administrator who serves as an agent for the commodity system users. The communication and storage means includes a processor which receives commodity information for a commodity system user, such as a buyer. The processor provides access to the appropriate data file for receipt and review by the commodity system user of the commodity information. (Col.

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10, lines 19-34) Moreover, the buyer then decides whether or not to agree on the transmission service agreement which includes the amount of material, a purchase, and a transportation cost, and on the use of the available transportation facilities (col. 6, lines 46-50).

Mistr discloses that his commodity is energy which is from natural resources which is reduced from raw materials for consumer utilization. Mistr does not disclose that his commodity is thinned-out wood. The article "Earth-friendly good" teaches a commodity, specifically, thinned-out wood. Such thinned-out wood is like or similar to energy, a natural resource that is reduced from raw materials for consumer useable product in a manner similar to the commodity of Mistr. (See whole article)

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the system and method of Mistr, to include the thinned-out woods, in order to provide an efficient and reliable movement of a commodity of materials between the parties (col.3, lines 42-45). Furthermore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the system and method of Mistr, to include the thinned-out woods, in order to provide an efficient system and transmission of commodity materials by providing constraint mitigation and unified services (col. 10, lines 41-43).

Conclusion

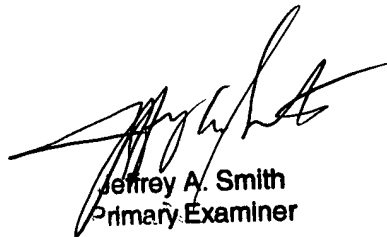
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marissa Thein whose telephone number is 703-305-5246. The examiner can normally be reached on Monday-Friday 8:30-5:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 703-308-1344. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

mtot
February 24, 2003



Jeffrey A. Smith
Primary Examiner